

NEBRASKA REPUBLICAN PARTY

Chuck Sigerson, Chairman

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2000 DEC 18 P 1: 15

December 18, 2000

Office of General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, DC 20436

RE: MUR 5148

Dear Commissioners:

This document is submitted as a joint response of the Nebraska Republican State Central Committee, DeMarus Carlson as Treasurer and Stenberg for Senate 2000, Charles V. Sederstrom, Jr. as Treasurer in MUR 5148.

The advertisement addressed in the complaint aired for a short period of time on October 30, 2000. This advertisement was to be a coordinated party expenditure. A media firm that was not accustomed to creating coordinated party expenditure advertisements produced this advertisement. Thus, they were unaware of the disclaimer requirements and the appropriate approval process. The advertisement was shipped to the stations without approval of the advertiser, and specifically the disclaimer. Without knowing the advertisement bore a defective disclaimer, the television stations ran the advertisement.

The advertisement went on the air on Monday morning, October 30, 2000. Within hours we were alerted to the problem with the advertisement and took immediate action to remove it from the air. *See Roberts Aff.* ¶5. The advertisement in question was then re-cut to include the correct disclaimer.

Only \$7,750.00 worth of airtime was used in airing the questioned advertisement, less than half of which was spent in the major media markets where the ad ran for only one day. *See Roberts Aff.* ¶3. In fact, this advertisement was corrected even before the complaint was filed.

In light of the hundreds of ads that committees run during an election cycle, there is bound to be one error. This was just that, an error, but certainly not an attempt to mislead. Importantly, once this error was detected, the advertisement was removed immediately on our own initiative.

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FEDERAL ELECTION
COMMISSION
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COUNSEL
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AFFIDAVIT OF KYLE ROBERTS

KYLE ROBERTS, after being duly sworn, deposes and says as follows:

1. I am Kyle Roberts. I am a media buyer for McAuliffe Message Media ("3M"). Unless otherwise noted, I have personal knowledge of the facts set forth herein.
2. I have researched and reviewed the media buy for the advertisement in question in MUR 5148.
3. The total amount of air time purchased on October 30, 2000 for the advertisement in question in MUR 5148 was Seven Thousand Seven Hundred and Fifty Dollars (\$7,750.00).
4. Less that half of the amount stated in paragraph 3 was in the major media markets in Nebraska.
5. I was asked to assist with removing the advertisement in question from the air on October 30, 2000. We contacted all of the stations on that date and requested they remove the advertisement from the air immediately.

The above is true and correct to the best of my knowledge, information, and belief.



 Kyle Roberts

Sworn and subscribed before me this 15th day of December, 2000.



 Notary Public

My Commission Expires: 7-31-2002

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Due to the small and short run the advertisement and our immediate response in rectifying the error, we respectfully request the Commission take no further action in this matter.

The foregoing is true and correct to the best of our knowledge, information, and belief.

For the Nebraska Republican State Central Committee:

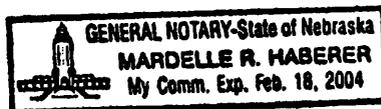
Demarus Carlson
Demarus Carlson, Treasurer

Sworn and subscribed before me this 15 day of December, 2000.

Mardelle R. Haberer

Notary Public

My Commission Expires:



For Stenberg for Senate 2000:

Charles V. Sederstrom, Jr.
Charles V. Sederstrom, Jr.

Sworn and subscribed before me this ____ day of December, 2000.

Notary Public

My Commission Expires: